

REMARKS

This Response serves as the submission accompanying Applicants' Request for Continued Examination (RCE) filed pursuant to 37 C.F.R. §1.114. By final Office Action mailed February 21, 2007, claims 14-23 stand allowed and claims 1-13 stand rejected, reconsideration of which is respectfully requested in view of the following remarks. Claims 1-23 are now pending.

Allowable Subject Matter

Applicants thank the Examiner for again noting the allowability of claims 14-23. Applicants have maintained such claims unchanged in the above "Listing of Claims".

Rejections Under 35 U.S.C. §103(a)

Claims 1-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Saito et al. (U.S. Publication No. 2002/0022171). More specifically, the Examiner alleges that valve 60 of multiple jet ejector 30 of Saito is capable of being operated in the manner recited in pending claims 1 and 13, namely, that valve 60 of Saito is capable of being operated such that "during operation of the fuel cell system, the first motive flow is directed to only the low-flow motive inlet when the first solenoid valve is closed and the first motive flow is directed to both the low-flow and high-flow motive inlets when the first solenoid valve is open" as recited in pending claim 1. In this regard, the Examiner alleges that valve 60 of Saito "can be positioned such that it does not touch either side wall, thereby allowing fluid to flow to both motive flow inlets" (*see* page 4 of the Office Action).

Applicants disagree with the Examiner's reading of Saito. As discussed in paragraphs [0042] and [0043] of Saito, valve 60 is an on/off electromagnetically controlled valve comprised of valve chamber 61, first passage 62, second passage 63, first valve seat 64, second valve seat 65, valve body 66 and electromagnetic actuator 67. Valve body 66 is supported movably by an electromagnetic actuator secured at unit body 33 and is electromagnetically attachable/detachable to/from first valve seat 64 and second valve seat 65. Valve body 66 sits on second valve seat 65 when switching valve 60 is in the off state, and valve body 66 sits on first

valve seat 64 when switching valve 60 is in the on state. When valve body 66 sits on second valve seat 65, the entire quantity of hydrogen supplied to valve chamber 61 is supplied to first passage 63. Similarly, when valve body 66 sits on first valve seat 64, the entire quantity of hydrogen supplied to valve chamber 61 is supplied to second passage 63. In this way, contrary to the Examiner's assertion, the device of Saito is not capable of being operated in the manner recited in pending claims 1 and 13.

Furthermore, Applicants note that Saito does not contain any teaching, suggestion or motivation to modify valve 60 disclosed therein in order to produce a valve that would be capable of being operated in the manner recited in pending claims 1 and 13. In fact, Applicants submit that the teaching of Saito to provide reactant to only one of the motive inlets at a time would actually teach away from such a modification.

Accordingly, in view of the foregoing, Applicants submit that the cited reference fails to establish a *prima facie* case of obviousness against claims 1-13, and request that this ground of rejection be withdrawn.

In view of the above amendments and remarks, allowance of claims 1-23 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same. Furthermore, the Commissioner is authorized to charge any additional fees due by way of this Response, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

Janusz Blaszczyk et al.

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